

THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

KEVIN A. TOLLIVER,

Plaintiff,

v.

Civil Action 2:16-cv-1020  
Judge Edmund A. Sargus, Jr.  
Magistrate Judge Kimberly A. Jolson

WARDEN NOBLE, *et al.*,

Defendants.

**OPINION AND ORDER**

This matter is before the Court for consideration of a Report and Recommendation issued by the Magistrate Judge on September 20, 2022. (ECF No. 205.) The time for filing objections has passed, and no objections have been filed to the Report and Recommendation. Therefore, the Court **ADOPTS** the Report and Recommendation. For the reasons set forth in the well-reasoned and legally correct Report and Recommendation, Defendant's Motion for Leave to File Summary Judgment is **GRANTED** (ECF No. 187) and Defendant's Motion for Summary Judgment is **DENIED** (ECF Nos. 188, 190).

**IT IS SO ORDERED.**

**11/30/2022**  
**DATE**

**s/Edmund A. Sargus, Jr.**  
**EDMUND A. SARGUS, JR.**  
**UNITED STATES DISTRICT JUDGE**